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SUBJECT: COLOMBIAN HUMAN RIGHTS GROUP EXPRESS CONCERNS OVER
LAND RIGHTS AND DEMOBILIZATION TO DRL PDAS FARRAR

Classified By: Polcouns John Creamer. Reasons 1.4(b) and (d).

SUMMARY

¶1. (U) DRL PDAS Jonathan Farrar met human rights groups in Bogota and Barrancabermeja. NGOs across the board raised concerns about the reforming of paramilitary groups. Indigenous and Afro-Colombian groups complained that land issues were at the heart of Colombia's conflict and highlighted the disproportionate effects of the armed conflict on their communities. Both groups also criticized USAID programs to encourage large scale agricultural development. Human Rights NGOs voiced concerns over the constitutionality and implementation of the Justice and Peace Law, and said they would refuse to cooperate. In Barrancabermeja, human rights activists alleged demobilized paramilitaries continued to exert influence in the city, intimidating the populace and running a range of criminal activities. End Summary.

INDIGENOUS/AFRO-COLOMBIAN GROUPS HIGHLIGHT CONCERNS

¶2. (C) In a two hour meeting on November 14 in the offices of human rights group MINGA, indigenous and Afro-Colombian activists voiced concern over human rights issues facing ethnic minorities. The meeting included representatives from AFRODES, DESPERTAR AFRO, Conferencia Afro Colombiano, Proceso de Comunidades Negras, ONIC, MINGA, Justicia y Paz, CRIC, and the Red Nacional de Mujeres Colombianas. Indigenous groups said the armed conflict disproportionately affected indigenous communities through displacement, forced recruitment, and violence. Lisardo Dominico, Secretary General of the Organizacion Nacional Indigena de Colombia (ONIC) described a "humanitarian crisis" facing indigenous communities, claiming there were 28 forced disappearances, 279 arbitrary arrests, 32 violent deaths, and over 5,000 displacements from January to June 2006. All armed groups occupied indigenous lands. Dominico criticized the GOC for not enacting recommendations UN Special Rapporteur for Indigenous Affairs Rodolfo Stavenhagen made in 2004 and asked why President Uribe had not adopted the UN Declaration of Indigenous Rights. (Note: in a separate meeting, UNHCR representatives reported that indigenous persons make up 16 percent of new IDPs thus far in 2006, six times their proportion of the Colombian population.)

¶3. (C) The indigenous groups also expressed concern over land rights and aerial drug eradication. The Nasa indigenous

community complained companies were illegally planting African palm on indigenous lands, disrupting bio-diversity and displacing communities. Justicia y Paz alleged (without presenting evidence) that aerial fumigation had killed 28 children in 1991, and representatives from Putumayo called Plan Colombia "a violation" of their human rights because it had not been approved through popular referendum. (Note: during travel to San Jose de Apartado (septel), Armed Forces Commander Freddy Padilla said that GOC success in establishing control in conflictive areas may bring more, rather than less, conflict over land rights. He said GOC control would encourage more IDPs to return while also raising land values, making it more difficult to resolve land disputes.)

14. (C) Afro-Colombian groups said private companies are planting African palm on land claimed by Afro-Colombian communities. Alberto Franco from Justicia y Paz highlighted specific problems in Curvarado, Cacarica, and Jiguamiando in Choco Department stating that corporate "mega projects" promoted by the GOC and USG were affecting humanitarian zones in that Region. Franco claimed Urapalma had already planted 25,000 hectares of African palm on disputed land. Franco said Justicia y Paz will work more closely with the OAS and the Inter-American Human Rights Court to protect humanitarian zones, not only from armed actors, but also from corporations seeking to exploit the land. AFRODES highlighted concerns regarding internal displacement of Afro-Colombian communities who constitute 19 percent of internally displaced persons, but represent just 10 percent of the population.

NGOS CRITICIZE JUSTICE AND PEACE LAW

15. (C) In a subsequent meeting in the offices of the Comision Colombiana de Juristas (CCJ), human rights groups also expressed concern over the Justice and Peace (J&P) law and its implementation. The meeting included Fundacion Esperanza, Fundacion Pais Libre, CODHES, Fundacion Restrepo Barco, Comite de Solidaridad con Presos Politicos (CSPP), CCJ and the Colectivo de Abogados Jose Alvear Restrepo (Colectivo). CCJ's Gustavo Gallon said the J&P law showed the GOC's "promotion" of impunity for ex-paramilitaries, and Fundacion Restrepo Barco's Mario Gomez questioned the law's constitutionality. CSPP's Agustin Jimenez said the J&P law needed to better address security for the victims and how to handle those paramilitaries who chose not to demobilize. Marco Romero from CODHES claimed the J&P law would not solve the internal armed conflict and did not provide a valid forum for victims to seek redress. Romero referenced former President Pastrana's talks with the FARC and the possibility of humanitarian exchanges of hostages for prisoners as alternative paths to peace. The Colectivo's Diana Munoz called for more investigations into links between demobilized paramilitaries and narcotrafficking networks.

16. (C) Gallon alleged the GOC manipulated data on human rights cases to show progress, and said the Prosecutor General's Office needed to use less selective statistics in its human rights case reporting. He said killings by security forces are not included in GOC statistics until a sentence has been handed down, a much more narrow definition than applied to non-GOC linked cases.

BARRANCABERMEJA: WORRIES OVER EX-PARAS

17. (C) In a visit to Barrancabermeja, Santander Department, on November 15, human rights groups said ex-paramilitaries continue to exercise influence in the city. The meeting included Programa de Desarrollo y Paz del Magdalena Medio, CREDHOS, Pastoral Obrera, Asociacion Campesina del Valle del Rio Cimitarra, Corporacion Nacional, Federacion Agrominera del Sur de Bolivar, and the Organizacion Femenina Popular.

The groups claimed 700 demobilized paramilitaries had resettled in Barrancabermeja. They added that some were now working as traffic wardens and private security guards, forcing victims to see their victimizers on a daily basis. The NGOs also alleged there were 25 new emerging criminal groups made up of demobilized paramilitaries in or around Barrancabermeja. According to the NGOs, these groups conducted a range of criminal activities, including gasoline trafficking, intimidation of human rights activists and trade unionists, and murder. The activists criticized the local OAS monitoring office for not including all of the allegations they provided in official OAS reports. In an earlier meeting, the director of the OAS verification team told Farrar that much of the information provided by the human rights groups was difficult to corroborate, and could not be included in the OAS's overall reports.

¶18. (C) The human rights groups expressed their opposition to the J&P law, and only two of the seven groups present had accepted the GOC'S offer to participate in the National Reconciliation and Reparations Commission (CNRR). None were willing to cooperate with the GOC reinsertion program for demobilized paramilitaries.

¶19. (C) Human rights groups (and Barrancabermeja's mayor, in a separate meeting) bemoaned the lack of GOC social assistance to the area. Mayor Edgard Cote claimed 15,000 new IDPs arrived in the Barrancabermeja area in 2006, but said the GOC's IDP assistance agency, Accion Social, had provided aid to only 150 families so far.

¶10. (C) The Federacin Agrominera del Sur de Bolivar criticized the U.S.-Colombian Free Trade Agreement, alleging it would increase violence in the area. They blamed the ColMil's Granada battalion for the September 19 killing of one of their leaders. They said the agreement would make Colombia more attractive for multinational firms, which in turn, would increase military presence in the area to protect the companies. The group asserted that Plan Colombia was responsible for prolonging the armed conflict.

¶11. (C) Comment: The validity of individual cases and complaints raised by the NGOs in many instances remains to be examined. What was clear in the meetings, however, was the widespread distrust within the NGO community concerning the GOC's implementation of the Justice and Peace Law, and the growing concern over the reemergence of paramilitary groups.

¶12. (U) This cable has been cleared by PDAS Farrar.
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